

## SUITS AND COUNTER STILL A SUITS GROWING PEE AT BOOKS

**Hilo Breakwater Controversy  
Now Likely To Tie Up Big  
Job Indefinitely**

(Special Special to The Advertiser)  
Hilo, October 30.—More and more complicated is becoming the situation regarding the continuance of work on the Hilo breakwater. Following the vacation by Judge Ashford, of his order appointing a receiver for the property and money due from the government for work in September, another attachment was filed on the plant here belonging to Contractor George E. Marshall.

Last Saturday official notice was received here by Judge C. F. Parsons, attorney for the surety company, and by Mr. Marshall, that the United States government had annulled the contract with Marshall and had notified the American Surety Company of New York to proceed with the work.

This morning an official notice was served on Contractor Marshall to turn over to the representatives of the American Surety Company, Richard Deming, all property needed for the work on the breakwater, including the tug and scows for conveying rock from Waipio quarry. This Mr. Marshall refused to do.

J. W. Russell, attorney for Marshall, left for Honolulu today to confer with Attorney E. C. Peters to take steps to appeal the annulment of the contract by the government. Mr. Marshall claims that the government has no right to first stop work on the contract by refusing to pay over the money due for work done and then annul the contract on the ground that the work was not continued.

**Denies Government Authority**  
Regarding this present phase of the matter Mr. Russell, before he left, made the following statement:

"The next step which Mr. Marshall will take will be to prevent the order of annulment of the contract by the United States government from being executed, upon the ground that the United States was without authority to annul the contract, because of the fact that they committed a breach of the contract themselves by their refusal to pay for the September work delivered, according to their contract, which payment amounted to over \$25,000, the refusal of which payment being the sole cause of Mr. Marshall being unable to continue with the work."

"In other words, the government cannot legally annul the contract upon the ground of cessation of work, because the government itself brought about this inability by their own action and cannot avail themselves, under the law, of their own wrongful act for the purpose of annulling this contract."

**Wants Heavy Damages**  
"If, despite any proceedings which Mr. Marshall might take to prevent the annulment of this contract, the surety company will be permitted to proceed with the work, then Mr. Marshall will undoubtedly file an action against the surety company for damages, which he claims will be in excess of \$100,000; and he can show that the annulment of the contract by the government was a direct result of the work by the American Surety Company in bringing about this annulment by the government."

"The suit which Mr. Marshall has already filed in the Fourth Circuit Court to recover on the \$20,000 bond filed by the surety company will limit the damages only resulting from the injunction proceedings, and that cause will be proceeded with irrespective of any action which Mr. Marshall may bring as a result of the annulment of the contract."

This suit to recover on the bond was filed in the Fourth Circuit Court last week by J. W. Russell for Mr. Marshall for damages due to the attachment first issued by Judge Ashford and later vacated.

**Wants Equity Only**  
When the question was asked whether or not there was some way by which all this delay on the part of the work could be obviated and the work permitted to proceed, Mr. Russell explained that Mr. Marshall was ready to step out and permit the American Surety Company to complete the work on the contract if he could recover even a percentage of the money which he had invested in the contract.

This suit, stated Mr. Russell, amounts to about \$37,000, but that Mr. Marshall will be willing to step out and give up whatever profit there may be in the breakwater work, now that the season work is done, for the sum of \$15,000, or much less than half of the cash he has invested in the plant. If this offer by Mr. Marshall is not accepted he proposes to fight the annulment of his contract to the last and to bring suit, as the case may be, so that there is an apparent possibility of the breakwater work being held up for a long time to come.

**ST. LOUIS WINS ONE  
FROM WASEDA TEAM**

(Special Telegram to Hawaii Star)  
TOKYO, November 4.—The St. Louis baseball team won the third game played with the Waseda University here yesterday on the Waseda diamond by the score of seven to nothing. The Honolulu players were working in excellent form and the university team never had a chance at any stage of the game. Of the three games played between these teams, Waseda University has won two.

**LOS ANGELES TO HAVE  
LARGEST RINK IN WORLD**

Arrangements have been completed in Los Angeles by President Frank Patrick, of the Pacific Coast Hockey League, for the construction of an ice palace there which will have a skating surface said to be the largest in the world. Several prominent Californians are interested in the proposed artificial rink for Los Angeles and, according to the chief executive of the western circuit, plans have already been drawn and a contract let for the installation of machinery of the new plant.

## President Cables Birthday Greetings To the Mikado

**Japanese and Others in Hawaii Join In  
Celebration of Emperor's Birthday**

(Special Telegram from Tokyo, Japan)  
WASHINGTON, November 3.—President Wilson yesterday sent a message of greetings and congratulations to Emperor Yoshihito of Japan on the occasion of the celebration of the Emperor's thirty-seventh birthday. The message expressed the hope that Emperor Yoshihito continue to enjoy a prosperous and progressive reign.

"May your reign continue to be one of further progress and further prosperity," was President Wilson's wish.

Prominent Japanese residents of Honolulu, consular representatives of several nations, federal and territorial officials, army and navy officers, and a large number of American men and women prominent in the social and business affairs of the city gathered on the roof garden of the Alexander Young Hotel last night to do honor to the Emperor of Japan. The occasion was the reception given by the Japanese General Consul E. Mori to commemorate the thirty-seventh anniversary of the birth of the Mikado.

It was estimated that there were about four hundred Japanese present, while the other guests swelled the grand total to not less than five hundred.

In the receiving line were R. Mori, E. Mori, Consul, and Madame K. Fujii, and Messadama Inai, Yokogawa, Kondo and Kurokawa, wives of Japanese consular secretaries. Arthur K. Ozawa, the Japanese attorney, introduced the guests.

The reception room was tastefully decorated with flowers and the two national emblems, the Stars and Stripes and the flag of the Rising Sun, hung on one wall.

Music was supplied by the Royal Hawaiian Band. When it played the Japanese national anthem, "Kimigayo," the entire assemblage stood in honor of Nippon and its Emperor.

Dancing began at nine-thirty to the music of a Hawaiian orchestra. More than twenty Japanese men and women took part in this, among them several women in Japanese full evening dress. These included Mrs. K. Fujii, Mrs. S. Saki, Mrs. K. Tanaka and Mrs. N. Kondo. Refreshments were served on tables on the roof garden. "Kimigayo" and banquets on the part of all the guests closed the reception at a late hour.

**Thousands Celebrated**  
The many thousands of Japanese residents of Hawaii yesterday celebrated, according to the manner of both the Orient and the Occident, the thirty-seventh anniversary of Emperor Yoshihito, the Mikado.

Prayers were offered for his health and prosperity, not only according to the forms of the exotic religions of the Far East, but also to the God of the Christians, whom not a few of the Japanese resident in this Territory have come to worship.

The day's program in Honolulu included religious ceremonies and services, sports, Japanese dancing, addresses by prominent Japanese, and the big reception last night.

In the morning more than 2000 Japanese gathered at the Japanese consulate on Nuuanu Street. Many Americans were also present. The official ceremony of the celebration of the Mikado's birthday began at eleven o'clock with the offering up of a prayer by the Rev. Miyao, a Shinto priest, for the Emperor and all Japanese.

A shrine was erected and the services were according to the ancient rites peculiar to such occasions.

Dr. I. Mori, chairman, read the draft of a cable message which will be sent to the Crown Prince next Friday, through the imperial minister of home affairs, congratulating him upon the formal accession that will be given on that day that brings the heir apparent.

A congratulatory address was delivered by Consul General Mori, who said in part: "Representatives of Japan in Hawaii congratulated today to celebrate the birthday of His Majesty, Emperor of Japan, the 37th ruler in the history of the nation. While he has been on the throne Japan has progressed and developed among the nations of the world, and the Japanese people of Hawaii wish a long life to the ruler of Japan, and congratulate him on the anniversary of his birthday."

Following this the Japanese national anthem, according to custom, played three times, the guests standing with bowed heads. Daylight fireworks and the unfurling of Japanese and American flags marked the ceremonies.

Sports and dances, including feasting, wrestling, jiu jitsu, geisha dancing and singing took up the afternoon. The reception by the consul general closed the day.

**Gosh! But It Was  
A Narrow Squeak  
For the Commission**  
Hawaii's Upholders of the People's Rights Almost Clapped Hands With Champions of the Wicked Predatory Corporations

The Public Utilities Commission of the Territory of Hawaii just narrowly escaped getting "in wrong"—just as "in wrong" as it possibly could get. In fact it was about to disgrace itself before every similar public utility commission in the United States by going over body and soul to the "enemy." Only the kindness and consideration of the enemy, who gently directed the "wandering boys" back into their fold saved Hawaii's commission from this national ignominy.

"The enemy" in this case is the American Electric Railway Association. The public utility commission, in line with its policy of getting wise to all that is doing in the utility regulation business on the mainland and being in the swim generally by joining anything it ought to join, applied for membership in this association, believing it an organization of railway regulators.

Now it so happens that the American Electric Railway Association is just the opposite. It is an organization of electric railways in the States to combat the movement for regulation and control of railway utilities, to fight the general jurisdiction of utility commissions and to act as representative in any case where a faltering public utility is being harassed and hampered by the control of a utilities commission. So the Hawaii Public Utilities Commission would be decidedly "persona non grata" in the association's ranks—about as welcome as a "German" in a German spy in the house of lords.

## INTER-ISLAND IS WILING TO REASON

**Officials Have Met Representative  
of Sailors and Talk Is  
Proceeding Nicely**

James A. Kennedy, president of the Inter-Island Steam Navigation Company, and Norman E. Gedge, secretary and treasurer of the company, will confer with J. H. Hakule, representing the sailors employed on Inter-Island vessels, relative to the request for a higher wage scale, at three o'clock this afternoon.

The meeting today will be the second one at which the company officials and Mr. Hakule have discussed the new wage scale. The request signed by the sailors' representative was filed with Mr. Gedge in the presence of Mr. Kennedy Monday afternoon.

An executive session was then held and the wage scale was discussed from a high cost of living standpoint. It is expected that the company will make an offer to the men through their representative following the meeting today.

"The outlook is very favorable," said Mr. Hakule. "Submitting our requests subject to arbitration and not making any threat to strike will count much in our favor, I am sure. I look for a solution of the increased wage request in the near future."

Based on the fact that the cost of living has increased with such rapidity that the wages now paid by the company are manifestly not enough to keep the men and their families from starvation, the request was signed and filed. The men ask for fifty cents an hour, seventy-five cents an hour for overtime and double pay for holiday and Sunday work.

The Inter-Island recently voluntarily increased the men's wages while in port from \$1.50 to \$1.75 a day. They have also been paid fifty cents an hour for overtime while in Honolulu and twenty-five cents an hour for overtime at sea or in other ports than Honolulu.

**CAPTAIN OF LURLINE  
IS REDUCED IN RANK**  
Troel K. Smith Demoted To Chief Officer For Grounding Lurline

Capt. Troel K. Smith, of the Matson steamer Lurline, has been reduced to first officer as a result of the grounding of the Lurline off Makapuu Point on October 18. Capt. Arthur Soule, of the Hiloian, will command the Lurline.

The decision of the Matson Company was brought to Honolulu yesterday by officers of the Matson. J. W. Jory, first officer of the Lurline, will be promoted to command the Hiloian.

Examination in San Francisco of the holes torn in the Lurline bottom were found to be so serious that the vessel will be placed in drydock for a complete overhauling, which will take over a month.

When the new liner Maui is placed in commission next March, the resignation of officers will become effective. Capt. Peter Johnson, of the Wilhelmina, will command the Maui on her maiden voyage to Honolulu. Captain Edwards, of the Mauna, will relieve Captain Johnson on the Wilhelmina. Captain Charles Peterson will retain command of the Matsonia.

**GOVERNOR PRESENT AT  
DROWNING TRAGEDY**  
The harbor master is investigating as to what methods may best be employed to insure safety for bathers along the beach and will, in accordance with instructions from the harbor board, report to that body.

The investigation of the harbor master is consequent upon the receipt by the harbor board of a letter from Governor Pinkham, calling attention to the tragic death last Sunday of Sergeant Mitchell of Kahala. The Governor wrote:

"Honolulu, T. H.  
"Hon. Charles B. Forbes.  
"Dear Sir: I was at Kahala yesterday when Sgt. Mitchell was drowned by the harbor board and current at the channel. This is known as a dangerous point, and youth and children are rather persistent in taking chances. Would it not be within the province and means of the board of harbor commissioners to erect a warning by a broad board marked 'Channel-Dangerous,' placing it on posts in the water? There are other places on the beach needing 'warnings' for the numerous strangers that visit and bathe."

"Respectfully,  
"LUCIUS E. PINKHAM,  
"Governor of Hawaii."

**THIS DAY IN HISTORY  
FOUR CITIZENS WERE BORN**  
Four prominent citizens and residents of Honolulu were born on All Saints Day, and today, should they happen to meet, they will shake hands in mutual congratulation. Others will read this little bit of news with probability take the four by the hand and do likewise. This is the roll of honor: Capt. Paul Smith, born in Berlin, Germany, 1862; Deputy Sheriff Julius W. Aash, Jr., born in Honolulu, 1880; Dr. J. S. Pratt, born in Geneva, New York, 1860, and G. Fred Bush, who will tell his friends today when and where he was born.

**HAWAIIAN COMMERCIAL  
ELECTS NEW SECRETARY**  
Robert O. Hogg, the secretary of the Hawaiian Commercial & Sugar Company, has been elected a member of the board of directors, vice E. M. Walsh, resigned, says the San Francisco Examiner. Emil Tschumi, his predecessor as secretary, is in New York, having retired from active business.

**GOVERNOR DECIDES  
NOT TO BUY IN  
THROWN AND KILLED**  
Young Officer's Horse Bolted  
When Returning From Review  
And Hurler Rider Off

Plans that executive opposition might in the end succeed in blocking the Hilo and Glen water project were allayed yesterday when, at a meeting of the loan fund commissioners at which bids for the construction of the proposed ditch to divert the waters of Maale stream into Nuuanu Reservoir No. 1 were opened, a letter from Governor Pinkham to Superintendent Judd of the forestry commission was read in which the Governor said that, as the loan fund commission had decided to go ahead with the work, it "would be offensive to delay them."

When the bids for the construction of the ditch and tunnel were opened, great surprise was expressed over the figure of the lowest of the four bids submitted. Plence & Gomes offered to do the work within ninety-six working days for \$18,535. This was \$6000 lower than the bid of any other contractor.

James T. Taylor, engineer for the loan fund commission, bid \$24,891, the work to be done in 130 days. William Cullen bid \$24,995 and 175 days and John Duggan wanted to do the work for \$20,388, completing it within 120 working days.

**NO CEMENT SO  
IMPROVEMENT ENDS**  
Contractors Unable To Go Ahead  
With Work—Shortage of  
Ships To Blame

The sale of stock improvement bonds to the amount of \$28,000 was authorized by resolution of the board of supervisors last night, the money to be used for the Bench Walk improvement project.

But there is no prospect of the work being resumed in the near future, according to statements made to the board by City Engineer Collins.

A protest had been received by the board from a property owner who said, in a communication, that although he had paid his assessment, he had learned that the work had been suspended. He wanted to know why.

Collins, addressing the board, said that the trouble was that the contractor was unable to get cement to complete the work. The contractor, he said, wanted to get an extension of time, and is using all the cement he can get for the territorial pier job on which he is engaged.

The engineer said he had inquired of Harkfeld & Co. and had been told that they were more than 25,000 barrels behind in their ability to make delivery of cement, and, on account of the steamship Lurline being taken off, there was no prospect of an improvement in the situation before the first of the year. "It seems to be an impossibility to force a street contractor to do work requiring the use of cement," he said.

Supervisor Arnold thought things had "come to a pretty pass" when people who had paid their street improvement assessments couldn't get the work done. It would have a tendency to become a drawback to street work in the future.

Supervisor Logan thought the contractors ought to put their heads together and be ready to charter a vessel to bring cement from the Coast for them.

**IRRIGABLE LAND NOW  
GOING TO WASTE**  
Thousands of acres of rich lands in the Waimea district, Kauai, are now lying idle, in the belief of G. K. Larsson, superintendent of hydrographic work, who thinks that it is feasible to bring water upon them.

Mr. Larsson, in a report to the board of agriculture and forestry, following an investigation to determine the feasibility of storing the Waimea flood waters by the construction of three reservoirs, says:

"The investigation resulted in the location of three possible flood storage sites, on which it is believed could be constructed at reasonable cost reservoirs having a total capacity of five or six billion gallons of water."

"The stream flow records of the Maehi, Waialeale, Kawaiki, Kanihina and Kokee streams, which, with the Kone and Waialeale streams supply the Waimea river with practically all of its flow, indicate that the flood flow of these first five streams is sufficient to justify the construction of these three reservoirs."

**ONLY A BACKACHE**  
At first it may be only a backache, and too many people either wait for it to wear away or try to drive it out with liniment or a plaster. Don't mistake a kidney backache. Put that pain to use. It is too valuable a warning to be overlooked. Suspect your kidneys. The kidneys are in the small of the back, and are quite likely to ache and throb if sore, congested or inflamed. If it is the kidneys that are aching there may be other conditions to confirm this suspicion, such as too frequent, scanty or painful urination, and sediment in the urine, dizzy spells, recurring headaches, nervousness and a dull, tired state. Then it's time to use Doan's Backache Kidney Pills. Doan's Backache Kidney Pills are sold by all druggists and storekeepers at 50c a box (six boxes \$2.50), or will be mailed on receipt of price by the Hollister Drug Co., or Benson, Smith & Co., agents for the Hawaiian Islands.—Adv.